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SUBJECT Appeal Brief (09/998,396)

Number of Pages 33

Date 9/26/2005

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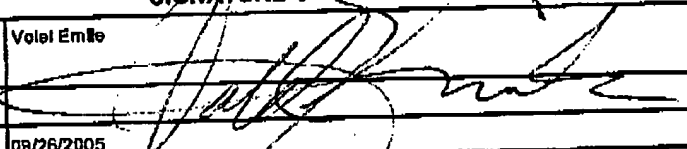
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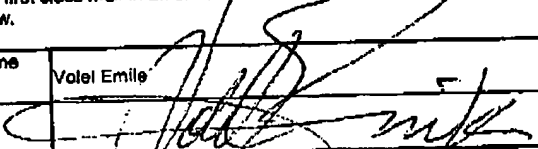
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	03/998,386
	Filing Date	11/15/2001
	First Named Inventor	Keohane et al.
	Art Unit	2178
	Examiner Name	Kyle R. Stork
	Attorney Docket Number	AUS920010879US1
Total Number of Pages in This Submission		

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Volei Emile
Signature	
Date	09/26/2005

CERTIFICATE OF TRANSMISSION/MAILING			
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Appl. No. 09/998,396
Appeal Brief dated 09/26/2005
Reply to Office Action of 05/04/2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: :
Keohane et al. :
Serial No: 09/998,396 : Before the Examiner:
 : Kyle R. Stork
 :
Filed: 11/15/2001 : Group Art Unit: 2178
 :
Title: APPARATUS AND METHOD : Confirmation No.: 7309
OF HIGHLIGHTING PARTS OF WEB :
DOCUMENTS BASED ON INTENDED :
READERS :

TRANSMITTAL OF APPELLANTS' BRIEF UNDER 37 C.F.R. 1.192(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attached is Appellant's Brief, in triplicate, from a decision of the Examiner dated 05/04/2005, finally rejecting the claims in the Application.

The item(s) marked below are appropriate:

1. _____ A petition and fee for extension of term for reply to the final rejection is attached.
2. X Appeal fee
 X other than a small entity. Fee: \$500.00
3. X Payment
 X Please charge Deposit Account 09-0447 the sum of \$500.00. A duplicate of this notice is attached.

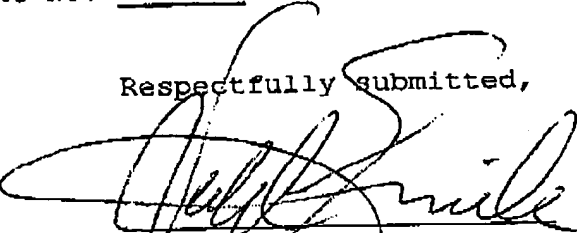
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The Commissioner is hereby authorized to charge any additional fee, which may be required or credit any overpayment to Deposit Account No. 09-0447.

Respectfully submitted,



Volel Emile
Attorney for Applicants
Registration No. 39,969
(512) 306-7968

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APPELLANTS' BRIEF UNDER 37 C.F.R. 1.192

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Sir:

This is an appeal to a final rejection dated May 04, 2005 of claims 1 - 20 of Application Serial Number 09/998,396 filed on November 15, 2001. This Appeal Brief is submitted pursuant to a Notice of Appeal filed on July 28, 2005 in accordance with 37 C.F.R. 1.192.

BRIEF FOR APPLICANTS - APPELLANTS

(1)

Real Party in Interest

The real party in interest is International Business Machines Corporation (IBM), the assignee.

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(2)

Appl. No. 09/998,396
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Related Appeals and Interferences

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Claims 1 - 20 have been finally rejected. This appeal involves all the rejected claims.

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Summary of the Invention

The present invention provides a method of highlighting parts of a Web document based on an intended reader (see page 9, lines 20 - 22). According to the teachings of the invention, when a document that has at least one section to be highlighted based on an intended reader, the document is displayed with a button. The button is associated with a section indicating the intended user. When the button is asserted, the section is

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highlighted (see page 11, lines 5 to page 12, line 5 and Figs. 5A, 5B, 5C, 5E, 5D and 6).

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Whether claims 1 - 20 were properly rejected under 102(a) as being anticipated by Adobe GoLive™ 5.0 User Guide.

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The rejected claims stand or fall together.

(8)

Argument

In considering a Section 102 rejection, all the elements of the claimed invention must be disclosed in a single item of prior art in the form literally defined in the claim. *Jamesbury Corp. v. Litton Indus. Products*, 756 F.2d 1556, 225 USPQ 253 (Fed. Cir. 1985); *Atlas Powder Co. v. Dupont*, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984); *American Hospital Supply v. Travenol Labs.*, 745 F.2d 1, 223 USPQ 577 (Fed. Cir. 1984). Russell-Falla et al., the reference used to reject the independent claims, does not disclose all the elements of the claims.

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tag, the User Guide instructs the user to choose an option from the MARK Element menu to do so.

However, the User Guide does not teach, show or suggest a method of **highlighting a section of a document by displaying a button with the document that indicates a user for which the section is to be highlighted and of highlighting the section when the button is asserted** as claimed. Note that indicating the intended user is a rather important aspect since only one document that has different sections that are each to be reviewed by a different recipient/user is used.

The other applied reference (i.e., Microsoft® Word®) does not teach, show or suggest a method of **highlighting a section of a document by displaying a button with the document that indicates a user for which the section is to be highlighted and of highlighting the section when the button is asserted** as claimed. Consequently, Applicants submit that the claims in the Application should be allowable. Hence, Applicants respectfully request allowance and passage to issue of the claims in the application.

Respectfully submitted,

By: 

Volel Emile
Attorney for Applicants
Registration No. 39,969
(512) 306-1969

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Appl. No. 09/998,396
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APPENDIX

1. (Previously amended) A method of displaying a document having at least one section that is to be highlighted based on an intended user comprising the steps of:

displaying the document;

displaying at least one button with the document, the at least one button being associated with the at least one section of the document and indicating the intended user; and

highlighting the at least one section of the document when the at least one button is asserted.

2. (Original) The method of Claim 1 wherein highlighting the section entails graying out the document except the section.
3. (Original) The method of Claim 1 wherein highlighting the section entails displaying the section in a different color.
4. (Previously amended) A computer program product on a computer readable medium for displaying a document having at least one section to be highlighted based on an intended user comprising:

code means for displaying the document;

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code means for displaying at least one button with the document, the at least one button being associated with the at least one section of the document and indicating the intended user; and

code means for highlighting the at least one section of the document when the at least one button is asserted.

5. (Original) The computer program product of Claim 4 wherein highlighting the section entails graying out the document except the section.
6. (Original) The computer program product of Claim 4 wherein highlighting the section entails displaying the section in a different color.
7. (Previously amended) An apparatus for displaying a document having at least one section to be highlighted based on an intended user comprising:

means for displaying the document;

means for displaying at least one button with the document, the at least one button being associated with the at least one section of the document and indicating the intended user; and

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means for highlighting the at least one section of the document when the at least one button is asserted.

8. (Original) The apparatus of Claim 7 wherein highlighting the section entails graying out the document except the section.
9. (Original) The apparatus of Claim 7 wherein highlighting the section entails displaying the section in a different color.
10. (Previously amended) A computer system for displaying a document having at least one section to be highlighted based on an intended user comprising:

at least one memory device for storing code data; and

at least one processor for processing the code data to display the document with at least one button, the at least one button being associated with the at least one section of the document and indicating the intended user, and to highlight the at least one section of the document when the at least one button is asserted.
11. (Original) The computer system of Claim 10 wherein highlighting the section entails graying out the document except the section.

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12. (Original) The computer system of Claim 10 wherein highlighting the section entails displaying the section in a different color.
13. (New) The method of Claim 1 wherein the at least one section to be highlighted is within a pair of tags.
14. (New) The method of Claim 13 wherein when the at least one button is asserted, a string is sent to a search engine, the string indicating the tags for which the search engine is to search.
15. (New) The computer program product of Claim 4 wherein the at least one section to be highlighted is within a pair of tags.
16. (New) The computer program product of Claim 15 wherein when the at least one button is asserted, a string is sent to a search engine, the string indicating the tags for which the search engine is to search.
17. (New) The apparatus of Claim 7 wherein the at least one section to be highlighted is within a pair of tags.
18. (New) The apparatus of Claim 17 wherein when the at least one button is asserted, a string is sent to a search engine, the string indicating the tags for which the search engine is to search.

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19. (New) The computer system of Claim 10 wherein the at least one section to be highlighted is within a pair of tags.
20. (New) The computer system of Claim 19 wherein when the at least one button is asserted, a string is sent to a search engine, the string indicating the tags for which the search engine is to search.

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The rejected claims stand or fall together.

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Argument

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tag, the User Guide instructs the user to choose an option from the MARK Element menu to do so.

However, the User Guide does not teach, show or suggest a method of **highlighting a section of a document by displaying a button with the document that indicates a user for which the section is to be highlighted** and of **highlighting the section when the button is asserted** as claimed. Note that indicating the intended user is a rather important aspect since only one document that has different sections that are each to be reviewed by a different recipient/user is used.

The other applied reference (i.e., Microsoft® Word®) does not teach, show or suggest a method of **highlighting a section of a document by displaying a button with the document that indicates a user for which the section is to be highlighted** and of **highlighting the section when the button is asserted** as claimed. Consequently, Applicants submit that the claims in the Application should be allowable. Hence, Applicants respectfully request allowance and passage to issue of the claims in the application.

Respectfully submitted,

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APPENDIX

1. (Previously amended) A method of displaying a document having at least one section that is to be highlighted based on an intended user comprising the steps of:

displaying the document;

displaying at least one button with the document, the at least one button being associated with the at least one section of the document and indicating the intended user; and

highlighting the at least one section of the document when the at least one button is asserted.

2. (Original) The method of Claim 1 wherein highlighting the section entails graying out the document except the section.
3. (Original) The method of Claim 1 wherein highlighting the section entails displaying the section in a different color.
4. (Previously amended) A computer program product on a computer readable medium for displaying a document having at least one section to be highlighted based on an intended user comprising:

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5. (Original) The computer program product of Claim 4 wherein highlighting the section entails graying out the document except the section.
6. (Original) The computer program product of Claim 4 wherein highlighting the section entails displaying the section in a different color.
7. (Previously amended) An apparatus for displaying a document having at least one section to be highlighted based on an intended user comprising:

means for displaying the document;

means for displaying at least one button with the document, the at least one button being associated with the at least one section of the document and indicating the intended user; and

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means for highlighting the at least one section of the document when the at least one button is asserted.

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at least one processor for processing the code data to display the document with at least one button, the at least one button being associated with the at least one section of the document and indicating the intended user, and to highlight the at least one section of the document when the at least one button is asserted.

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16. (New) The computer program product of Claim 15 wherein when the at least one button is asserted, a string is sent to a search engine, the string indicating the tags for which the search engine is to search.
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Real Party in Interest

The real party in interest is International Business Machines Corporation (IBM), the assignee.

(2)

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code means for displaying at least one button with the document, the at least one button being associated with the at least one section of the document and indicating the intended user; and

code means for highlighting the at least one section of the document when the at least one button is asserted.

5. (Original) The computer program product of Claim 4 wherein highlighting the section entails graying out the document except the section.
6. (Original) The computer program product of Claim 4 wherein highlighting the section entails displaying the section in a different color.
7. (Previously amended) An apparatus for displaying a document having at least one section to be highlighted based on an intended user comprising:

means for displaying the document;

means for displaying at least one button with the document, the at least one button being associated with the at least one section of the document and indicating the intended user; and

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means for highlighting the at least one section of the document when the at least one button is asserted.

8. (Original) The apparatus of Claim 7 wherein highlighting the section entails graying out the document except the section.

9. (Original) The apparatus of Claim 7 wherein highlighting the section entails displaying the section in a different color.

10. (Previously amended) A computer system for displaying a document having at least one section to be highlighted based on an intended user comprising:

at least one memory device for storing code data; and

at least one processor for processing the code data to display the document with at least one button, the at least one button being associated with the at least one section of the document and indicating the intended user, and to highlight the at least one section of the document when the at least one button is asserted.

11. (Original) The computer system of Claim 10 wherein highlighting the section entails graying out the document except the section.

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12. (Original) The computer system of Claim 10 wherein highlighting the section entails displaying the section in a different color.
13. (New) The method of Claim 1 wherein the at least one section to be highlighted is within a pair of tags.
14. (New) The method of Claim 13 wherein when the at least one button is asserted, a string is sent to a search engine, the string indicating the tags for which the search engine is to search.
15. (New) The computer program product of Claim 4 wherein the at least one section to be highlighted is within a pair of tags.
16. (New) The computer program product of Claim 15 wherein when the at least one button is asserted, a string is sent to a search engine, the string indicating the tags for which the search engine is to search.
17. (New) The apparatus of Claim 7 wherein the at least one section to be highlighted is within a pair of tags.
18. (New) The apparatus of Claim 17 wherein when the at least one button is asserted, a string is sent to a search engine, the string indicating the tags for which the search engine is to search.

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19. (New) The computer system of Claim 10 wherein the at least one section to be highlighted is within a pair of tags.
20. (New) The computer system of Claim 19 wherein when the at least one button is asserted, a string is sent to a search engine, the string indicating the tags for which the search engine is to search.

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